

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

No. 7:05-CR-00021-F-1

No. 7:16-CV-00071-F

WILBUR SCOTT, JR.,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ORDER

This matter is before the court on Wilbur Scott, Jr.'s Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 [DE-26, -29]. Having examined Scott's motion pursuant to Rule 4(b) of the Rules Governing § 2255 Proceedings, the United States Attorney is DIRECTED to file an Answer pursuant to Rule 5, Rules Governing § 2255 Proceedings, or to make such other response as appropriate to the above-captioned § 2255 motion within **forty (40)** days of the filing of this order.

Scott asserts challenges based on *Johnson v. United States*, 135 S. Ct. 2551 (2015). Sherri R. Alspaugh with the Office of the Federal Public Defender has been appointed to represent Scott pursuant to Standing Order No. 15-SO-2 (E.D.N.C. Oct. 16, 2015).

SO ORDERED.

This 28 day of April, 2016.



JAMES C. FOX
SENIOR UNITED STATES DISTRICT JUDGE